

Ashton Zylstra

From: Cary Hansel
Sent: Friday, February 28, 2020 2:17 PM
To: Ashton Zylstra
Subject: FW: Hulbert v. Sgt. Pope, et al.

----- Original message -----

From: Cary Hansel <Cary@hansellaw.com>
Date: 2/6/20 10:24 AM (GMT-05:00)
To: "Scott, Robert" <rscott@oag.state.md.us>
Cc: "Lewis, James" <jlewis@oag.state.md.us>, "Fredrickson, John" <john.fredrickson@maryland.gov>, Ashton Zylstra <azylstra@hansellaw.com>
Subject: RE: Hulbert v. Sgt. Pope, et al.

Thank you.

We seek only a 4 hour deposition to be taken at a time and place of the deponent's choosing.

Best regards,

Cary

----- Original message -----

From: "Scott, Robert" <rscott@oag.state.md.us>
Date: 2/6/20 10:20 AM (GMT-05:00)
To: Cary Hansel <Cary@hansellaw.com>
Cc: "Lewis, James" <jlewis@oag.state.md.us>, "Fredrickson, John" <john.fredrickson@maryland.gov>, Ashton Zylstra <azylstra@hansellaw.com>
Subject: RE: Hulbert v. Sgt. Pope, et al.

Mr. Hansel - Thank you for your email. As you know, my appearance is entered in this case on behalf of Lt. Gov. Rutherford. As I understand your position, you believe you are entitled to depose Lt. Gov. Rutherford based on information that you obtained in discovery after the court granted Lt. Gov. Rutherford's previous motion to quash and/or for a protective order several months ago. As things stand today, I am not authorized to agree to such a deposition. I have not yet had an opportunity to review your motion for reconsideration in detail. I will be doing so over the next couple of days will let you know if anything changes our position on that issue.

Robert A. Scott
Assistant Attorney General
Deputy Chief of Litigation
Civil Division
Office of the Attorney General
200 St. Paul Place, 20th Floor
Baltimore, MD 21202
410-576-7055

Exhibit A

rscott@oag.state.md.us

-----Original Message-----

From: Cary Hansel <Cary@hansellaw.com>
Sent: Wednesday, February 5, 2020 10:38 PM
To: Scott, Robert <rscott@oag.state.md.us>
Cc: Lewis, James <jlewis@oag.state.md.us>; Fredrickson, John <john.fredrickson@maryland.gov>; Ashton Zylstra <azylstra@hansellaw.com>
Subject: RE: Hulbert v. Sgt. Pope, et al.

Rob, below John stated, "You have addressed your wish to depose the Lt. Gov. and provided a proposal for review of the previously produced email that was produced in redacted form along with a privilege log. We trust that Rob will be able to weigh in on both early next week."

As we explained to John last week, we needed to file certain motions due to the then-pending discovery deadline and we have done so.

However, we have not received your promised reaction to whether you will now permit the deposition of the Lt. Governor. Please let us know.

As I have explained under separate cover, I am also happy to meet on this topic, but I would hope that you would provide your promised input by e-mail as well.

Thanks,

Cary

CARY J. HANSEL
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-----Original Message-----

From: John Fredrickson -DGS- [<mailto:john.fredrickson@maryland.gov>]

Sent: Friday, January 31, 2020 3:56 PM

To: Ashton Zylstra <azylstra@hansellaw.com>; Cary Hansel <Cary@hansellaw.com>; Tiana Boardman <info@hansellaw.com>

Cc: Lewis, James <jlewis@oag.state.md.us>; Scott, Robert <rscott@oag.state.md.us>

Subject: Hulbert v. Sgt. Pope, et al.

Ashton and Cary:

You have addressed your wish to depose the Lt. Gov. and provided a proposal for review of the previously produced email that was produced in redacted form along with a privilege log. We trust that Rob will be able to weigh in on both early next week.

The remaining issue is how we deal with the continuing production of documents by the State. We considered your proposal regarding the production. Respectfully, we believe a more efficient method of completing the production, which we truly wish to complete as soon as possible, would be as follows:

- 1) Extend the deadline for production of the subpoenaed records until 3/2/20.
- 2) Agree to a rolling production, so that your review can be completed by 3/6/20.
- 3) If the documents provide a reasonable basis that would support additional discovery, then we will consider your request (submitted no later than 3/9/20) to conduct additional discovery.

Of course, it is possible that we disagree as to a future request to conduct discovery, however, both sides would be mindful of Discovery Guideline No. 1 and neither side wishes the court to conclude that they have acted unreasonably. We should also be reminded that up to this point, Defendants did not oppose the depositions of numerous Executive Protection officers because we agreed that there was a reasonable basis for Plaintiffs to continue their effort to track down the individual who initiated the request by the Mansion to send an officer to Lawyers' Mall on 2/5/18.

If you agree with the proposal, I will draft a consent order.

Best,

John C. Fredrickson
Assistant Attorney General
Maryland Department of General Services
300 W. Preston Street, Room 608
Baltimore, Maryland 21201
Telephone Number: (410) 767-1825